

Application No.: 10/626225

Docket No.: TOW-034

REMARKS

Applicants amend claims 1, 6, and 7. Support for the amendment can be found throughout the specification, and at least at page 12, lines 24 to page 13, line 9, and Figs. 5-8 and its related text. No new matter is added. Upon entry of this amendment, claims 1-7 are pending, of which claims 1 and 6 are independent. Applicants respectfully submit that the pending claims define over the art of record.

Claims 1-7 are rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over United States Patent No. 6,492,055 to Shimotori et al. (hereafter "Shimotori"). Applicants respectfully submit that the Shimotori reference does not teach or suggest the limitation of a coolant flow passage formed between the separators for supplying a coolant while a direction in which the reactant gas flows crosses a direction in which the coolant flows, as recited by amended claim 1. The Shimotori reference further does not teach or suggest the method of assembling a fuel cell stack as required by amended claim 6.

The Shimotori reference teaches coolant passages 15 that are perpendicular to the surface of the separators 10. The coolant passages are formed along the two longer sides of the separators and penetrate the fuel cell stack. See Abstract, Figs. 4A and 5, Col. 6, lines 45-55, and Col. 7, lines 18-28. Nowhere does the Shimotori reference teaches or suggest coolant passages that are formed between the separators for supplying a coolant, as recited in amended claim 1. Hence the Shimotori reference cannot improve the cooling efficiency of the electrodes, such as shown by the claimed invention. Moreover, the Shimotori reference is directed to enlarging the electrode area of a polymer electrolyte fuel cell so that the fuel cell can have a larger reaction area. Nowhere is the Shimotori reference concerned about how a fuel cell is assembled.

Accordingly, Applicants respectfully submit that the Shimotori reference does not teach or suggest each and every limitation of claims 1 and 6. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 and 6.

Applicants note that the dependent claims also recite patentable subject matter. As such, for this and the reasons set forth above, the dependent claims also define over the art of record

Application No.: 10/626225

Docket No.: TOW-034

CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. TOW-034 from which the undersigned is authorized to draw.

Dated: June 26, 2006

Respectfully submitted,

By 

Anthony A. Laurentino

Registration No.: 38,220

LAHIVE & COCKFIELD, LLP

28 State Street

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney For Applicant